

United States District Court

Eastern District of California

Walter Maurice Savage,

Petitioner, No. Civ. S 04-1079 MCE PAN P

vs. Order

State of California, et al.,

Respondents.

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Respondent moved June 17, 2005, to dismiss the petition as time-barred and plaintiff has not opposed.

August 22, 2005, petitioner requested an order granting access to the law library or legal assistance. Prisoners have a federal constitutional right of access to the courts to attack their sentences, directly or collaterally, and to challenge the conditions of their confinement. Lewis v. Casey, 518 U.S. 343 (1996). However, Lewis v. Casey does not guarantee access to a

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1 prison law library or legal assistance to oppose a motion to
2 dismiss a petition for habeas corpus.

3 Petitioner's August 22, 2005, request for access to the law
4 library or legal assistance is denied.

5 The court grants petitioner a final extension to oppose the
6 motion to dismiss. He may file and serve an opposition on or
7 before November 30, 2005.

8 So ordered.

9 Dated: November 17, 2005.

10 /s/ Peter A. Nowinski

11 PETER A. NOWINSKI
Magistrate Judge